

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

SMC CONSTRUCTION CO.,

Plaintiff,

v.

REX MOORE GROUP, INC.;

Defendants.

Case No. 3:17-cv-00470-LRH-(VPC)

AMENDED ORDER

16 This is an amended order of the court's August 14, 2017 order setting hearing on
17 plaintiff's motion to release or reduce mechanic's lien pursuant to plaintiff's motion to amend
18 order (ECF No. 17).

19 Before the court is plaintiff SMC Construction Co.'s ("SMC") motion to set hearing on
20 motion to release or reduce mechanic's lien (ECF No. 5) and to shorten time. ECF No. 6.

21 SMC initiated the underlying action against defendant Rex Moore Group, Inc. (“Rex
22 Moore”) seeking a reduction or release of Rex Moore’s recently filed mechanic’s lien and for
23 declaratory relief. *See* ECF No. 1, Ex. 2. Along with its complaint, SMC filed a motion to
24 release or reduce mechanic’s lien pursuant to Nev. Rev. Stat. § 108.2275. ECF No. 5. Under
25 Section 108.2275, if a court finds that a hearing on a motion to release mechanic’s lien is
26 warranted, the court shall set a hearing on a motion to release mechanic’s lien “not less than 15
27 days or more than 30 days” after issuing an order for a hearing. The court has reviewed SMC’s

1 motions and finds that a hearing on the motion to release mechanic's lien is warranted.
2 Therefore, the court shall grant SMC's motion to set hearing.

3

4 IT IS THEREFORE ORDERED that plaintiff's motion for order to set hearing and to
5 shorten time (ECF No. 6) is GRANTED.

6 IT IS FURTHER ORDERED that a hearing on plaintiff's motion to release or reduce
7 mechanic's lien (ECF No. 5) is scheduled for Monday, September 11, 2017, at 2:30 p.m. in
8 Courtroom 3 at the Bruce R. Thompson courthouse in Reno, Nevada.

9 IT IS FURTHER ORDERED that if lien claimant Rex Moore Group, Inc. fails to
10 appear at the time and place noted above, the notice of lien will be released with prejudice and
11 lien claimant Rex Moore Group, Inc. will be ordered to pay the reasonable costs applicant SMC
12 Construction Co. incurred in bringing the underlying motion to release lien, including
13 reasonable attorney's fees.

14 IT IS SO ORDERED.

15 DATED this 21st day of August, 2017.

16

17

18

19

20

21

22

23

24

25

26

27

28



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE